

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

Amended Clerk's Minutes¹

Before the Honorable Chief Judge William P. Johnson

Case No.: CR18-2945 WJ

Date: 7/25/2023

Parties: USA v. Leveille, et al.

Courtroom Clerk/Law Clerk: R. Garcia/Emily Franke & Will Suess

Court Reporter: M. Loughran

Interpreter: N/A

Type of Proceeding: Daubert hearing on (Doc. 760) Motion to Exclude Testimony of Joost Janssen and (Doc. 742) Motion to Exclude or Limit Testimony of Stephen Randy Watt

Place of Court: Albuquerque

Total time in Court: 5 hours and 44 minutes

Evidentiary Hearing: YES

Attorneys Present for Plaintiff(s):

Kimberly Brawley, Jackson Hall &
George Kraehe

Attorneys Present for Defendant(s):

Aric Elsenheimer, Angelica Hall, Stand-By counsel Thomas
Clark for pro se defendant Siraj Wahhaj, Donald
Kochersberger, Marshal Ray, Justine Fox-Young, Stand-By
counsel Joseph Shattuc for pro se defendant Lucas Morton

Proceedings:

10:03 Court in session; counsel enter appearances; Defendants present.

Mr. Villa calls Joost Janssen as a witness; witness sworn.

Direct by Mr. Villa; witness referred to Docs. 810-1 filed 6/21/23 (Witness's CV); 810-2 (Witness's Expert Report); moves to admit; w/out objection, the court admits Docs. 810-1 and 810-2 for purposes of this hearing.

11:09 Cross examination by Mr. Hall; witness referred to Exhibit 3 (Transcript of witness's prior testimony in another case); witness referred to his Report.

11:54 Court breaks for lunch to return at 1:00 p.m.

¹ Amended to correct case number and identify defendant's Siraj Wahhaj's video exhibits as A, B, and C.

1:05 Court back in session.

Mr. Hall continues cross exam of witness Janssen; witness referred to his Report.

1:54 Redirect by Mr. Villa.

2:08 Direct by Mr. Siraj Wahhaj.

2:14 Witness excused.

Court takes a short break.

2:30 Mr. Brawley calls consultant Stephen Randy Watt as a witness; witness sworn.

Direct exam by Ms. Brawley; witness referred to Exhibits 1 (Expertise of witness), 1A (CV and Bio), and 2 (Witness's Expert Report) - moves for admission of Exhibits 1 and 1A; without objection, the Court admits Exhibits 1, 1A, and 2; witness referred to Exhibit 3 (Photos of compound and area); video 4A, 4B, 4C (videos); moved for admittance; without objection, the Court admits Exhibits 4A, 4B, 4C; exhibit 5 (Handwritten Note); moves for admittance; without objection, the Court admits Exhibit 5.

4:04 Cross examination by Mr. Villa; witness referred to Exhibit 2 (Witness's Expert Report).

4:54 Cross examination by Mr. Siraj Wahhaj; Mr. Wahhaj requests to show video exhibits re Executive Protection training; first video is Bates #20180403_193004, second video is Bates #20180403_193018, the third video is Bates #20180403_193204; moves for admittance; without objection, the Court admits video exhibits for the purpose of this hearing; Mr. Wahhaj plays video and questions the witness (exhibits later reidentified as defense Exhibits A, B, and C).

5:03 Redirect by Ms. Brawley.

5:08 Witness excused.

The Court notes it will start at 9:00 a.m. tomorrow.

The Court advises it will probably use the Rio Grande courtroom for jury selection and move back to Cimarron for trial; asks if we need a video feed into another room to accommodate other interested parties during jury selection; can be taken up tomorrow.

The Court conducts colloquy with counsel re Siraj Wahhaj's kidnapping and unindicted co-conspiritor legal issues; counsel agree to addresses those issues in the final James briefing; Court agrees.

Mr. Villa advises he believes a video feed is needed unless we know how many fit in Rio Grande; believes we'll have to do waives; Court notes 110 jurors fit into the Rio Grande courtroom; need for waives; and

need for video feed; Court notes Rio Grande fits up to 110 and can use Rio Grande for jury selection, then move to Cimarron for trial.

Mr. Villa asks about Dr. Cohen bring his phone and laptop into the courtroom tomorrow; Court has no problem with that and just phone chambers in the AM if there is any problem.

5:14 Court in recess.

WITNESS/EXHIBIT LIST

					CR18-2945 WJ, USA v. Leveille, et al.
Plaintiff's Attorney: Kimberly Brawley, Jackson Hall, and George Kraehe			Defendant's Attorney: Aric Elsenheimer, Angelica Hall, Stand-By counsel Thomas Clark for pro se defendant Siraj Wahhaj, Donald Kochersberger, Marshal Ray, Justine Fox-Young, Stand-By counsel Joseph Shattuc for pro se defendant Lucas Morton		
Presiding Judge: William P. Johnson			Court Reporter: M. Loughran		
			Courtroom Deputy: R. Garcia		

Exh. No.	Witness	Date Off.	Obj.	Adm.	Description of Exhibits*
Doc 810-1	Mr. Janssen	7/25/23		X	Docket filing of witness's CV
Doc 810-2	"	"		X	Docket filing of witness's expert report
3	"	"		X	Transcript of witness's prior testimony in another case
1	Mr. Watt	"		X	Expertise of witness
1A	"	"		X	CV and Bio
2	"	"		X	Witness's Expert Report
3	"	"		X	Photos of compound and area
4A	"	"		X	Video of arms training at compound
4B	"	"		X	Video of arms training at compound
4C	"	"		X	Video of arms training compound
5	"	"		X	Handwritten Note

Exh. No.	Witness	Date Off.	Obj.	Adm.	Description of Exhibits*
A Bates 2018 0403 _193 004	“	“		X	Video of Executive Protection training
B Bates 2018 0403 _193 018	“	“		X	Video of Executive Protection training
C Bates 2018 0403 _193 204	“	“		X	Video of Executive Protection training